

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1185

Introduced by Senator Runner

January 19, 2006

An act to amend Section 44940.5 of the Education Code, relating to employee compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, as amended, Runner. School employees: compulsory leave of absence compensation.

Existing law provides that a certificated or classified employee who was placed on a compulsory leave of absence after being charged with one of a number of sex or controlled substance offenses shall receive his or her full compensation for the period of the compulsory leave of absence if he or she is acquitted of the offense or the charges against him or her are dismissed, and the employee previously had elected not to furnish bond or other acceptable security.

This bill would permit the governing board of a school district to elect not to consider a plea of guilty to a specified controlled substance offense on or after January 1, 2007, and receipt of a deferred entry of judgment by an employee as an acquittal of the offense or a dismissal of the charges, thereby enabling the governing board to determine whether the employee would receive compensation for the period of the compulsory leave of absence.

~~This bill would prohibit an employee that pleads guilty to a controlled substance offense on or after January 1, 2007, and receives a deferred entry of judgment from receiving compensation for the period of the compulsory leave of absence by providing that these~~

~~actions do not qualify as an acquittal of the offense or a dismissal of the charges.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44940.5 of the Education Code is
2 amended to read:

3 44940.5. Any certificated employee placed on compulsory
4 leave of absence pursuant to Section 44940 and any classified
5 employee placed on compulsory leave of absence pursuant to
6 Section 45304 shall be subject to the following procedures:

7 (a) The governing board of the school district may extend the
8 compulsory leave of absence of the employee beyond the initial
9 period specified in Section 44940 or 45304, whichever is
10 applicable, by giving notice to the employee within 10 days after
11 the entry of judgment in the proceedings that the employee will
12 be dismissed at the expiration of 30 days from the date of service
13 of the notice, unless the employee demands a hearing as provided
14 in this article.

15 (b) Any employee placed upon compulsory leave of absence
16 pursuant to this section shall continue to be paid his or her
17 regular salary during the period of his or her compulsory leave of
18 absence if and during that time he or she furnishes to the school
19 district a suitable bond, or other security acceptable to the
20 governing board, as a guarantee that the employee will repay to
21 the school district the amount of salary so paid to him or her
22 during the period of the compulsory leave of absence in case the
23 employee is convicted of the charges, or fails or refuses to return
24 to service following an acquittal of the offense or dismissal of the
25 charges. If the employee is acquitted of the offense, or the
26 charges against the employee are dismissed, the school district
27 shall reimburse the employee for the cost of the bond upon his or
28 her return to service in the school district.

29 (c) If the employee does not elect to furnish bond, or other
30 security acceptable to the governing board of the district, and if
31 the employee is acquitted of the offense, or the charges against
32 him or her are dismissed, the school district shall pay to the
33 employee his or her full compensation for the period of the

1 compulsory leave of absence upon his or her return to service in
2 the school district.

3 (d) For ~~the~~ purposes of this section, *the governing board of a*
4 *school district may elect not to consider* a plea of guilty made on
5 and after January 1, 2007, and receipt of a deferred entry of
6 judgment pursuant to Chapter 2.5 (commencing with Section
7 1000) of Title 6 of Part 2 of the Penal Code ~~do not qualify~~ as an
8 acquittal of the offense or dismissal of the charges.

9 (e) Any action taken pursuant to this section by a governing
10 board shall be reported immediately to the Commission ~~for~~
11 ~~Teacher Preparation and Licensing~~ *on Teacher Credentialing*.
12 The commission shall give priority to the investigation and
13 resolution of these cases.